

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at GREENEVILLE

| | | |
|---------------------------|---|-----------------------------------|
| BRANDON HONEYCUTT, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | Nos.: 2:12-cv-391; 2:10-cr-125(1) |
| |) | <i>Judge Greer</i> |
| |) | |
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Respondent. |) | |

JUDGMENT ORDER

In accordance with the accompanying Memorandum Opinion, this motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255 is **GRANTED** on the ground that petitioner was denied the effective assistance of counsel when his attorney failed to file a direct appeal. All other grounds are **DISMISSED** without prejudice. Honeycutt's sentence is **VACATED** and the court **REIMPOSES** the same sentence of 180 months. The court will enter an Amended Judgment. Petitioner is hereby notified of the rights associated with an appeal from the sentence the court reimposes:

(1) Petitioner has the right to appeal the reimposed sentence. The Clerk's Office is **ORDERED** to file a notice of appeal for him within **FOURTEEN DAYS** from the entry of the Amended Judgment, in accordance with Federal Rule of Appellate Procedure 4(b)(1)(A)(i).

(2) If petitioner cannot afford counsel to represent him on appeal, he should make a request for appointment of counsel. Counsel will be appointed if it is found that he cannot afford an attorney to represent him on appeal. Accordingly, the Clerk is **DIRECTED** to send Honeycutt a CJA 23 Financial Affidavit for appointment of counsel, which he should complete and return, within twenty

(20) days of the date of this Judgment Order, if he seeks appointed counsel. The Clerk is **DIRECTED** to close this file.

ENTER :

s/J. RONNIE GREER
UNITED STATES DISTRICT JUDGE

ENTERED AS A JUDGMENT
s/ Debra C. Poplin
CLERK OF COURT